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8 Co-Lead Counsel for the Plaintiffs with Member Cases

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16 Co-Lead Counsel for the Plaintiffs with Member Cases

17 **UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

18 IN RE PORTFOLIO RECOVERY
19 ASSOCIATES, LLC TELEPHONE
20 CONSUMER PROTECTION ACT
21 LITIGATION

Case No. 11md02295-JAH-BGS

Hon. John A. Houston
Hon. Bernard G. Skomal

22 **This Document Relates to all**
23 **Member Cases**

**TIME AND EXPENSE
SUBMISSIONS TO COMMON
BENEFIT FUND AND
DECLARATION OF CHRIS R.
MILTENBERGER IN SUPPORT
THEREOF**

1 I, Chris R. Miltenberger have personal knowledge of the following facts and if
2 called as a witness would testify that:

3 1. I declare under penalty of perjury that the following is true and correct
4 and to the best of my knowledge.

5 2. I, along with Patric R. Lester, am Co-Lead Counsel for Plaintiffs with
6 Member Cases pursuant to the Order of this Court, dated June 9, 2017 (Doc. 597).

7 3. I have reviewed and verified that all time and expenses submitted herein
8 comply with the requirements in this Court's Order on Common Benefit Fund, (Doc.
9 629). Specifically, said expenses are (a) for the common benefit; (b) appropriately
10 authorized; and (c) verified.

11 4. I am the owner and founder of the Law Offices of Chris R. Miltenberger,
12 PLLC.

13 5. I am a licensed attorney practicing in the Dallas/Ft. Worth, Texas
14 Metroplex area. I am a member in good standing of the bar of the State of Texas and
15 am admitted to practice in the following federal courts: United States Supreme Court;
16 United States Court of Appeals for the Fifth Circuit, United States District Courts
17 for the Northern, Eastern, Western and Southern Districts of Texas, the Northern
18 District of Florida and the District of Colorado.

19 6. I was admitted to the Texas bar in 1982. I have practiced largely in the
20 area of employment law for 25 years of my 35-year legal career, including collective
21 and class litigation, employment rights' litigation, and other matters in federal court.
22 More recently I have also focused my practice in the area of consumer litigation,
23 including class litigation in that area. From 1990 to 1998, I was a partner in the Dallas-
24 based law firm of Worsham, Forsythe & Wooldridge (now Hunton & Williams) where
25 my practiced was focused on employment law claims and handling cases for large
26 corporate clients. I am a graduate of the University of Missouri - Columbia School of
27 Law where I was a member of the Law Review.

28 7. I am a member of the National Association of Consumer Advocates.

1 8. The second attorney in my firm who works on this matter is Rebecca
2 Miltenberger. She was admitted to the Texas bar in 1983. She has practiced in several
3 areas of law during her legal career, including employment law for more than ten years
4 of her career and more recently consumer law. She is a graduate of the University of
5 Missouri – Columbia School of Law where she was a member of the Order of the Coif
6 and an editor of the Law Review.

7 9. My firm is or has been involved in several cases complaining of illegal
8 consumer practices. Examples of these cases are:

9 a. Tom Mahoney, individually and on behalf of a class v. TT of Pine
10 Ridge, Inc.; Case No. 17-80029, United States District Court for the Southern
11 District of Florida (Appointed as Class Counsel; Telephone Consumer
12 Protection Act).

13 b. George Kenneth Schopp, individually and on behalf of a class v.
14 Fora Financial Holdings, LLC; Case No. 16-cv-00128, United States District
15 Court for the Eastern District of Texas (filed as class action; Telephone
16 Consumer Protection Act).

17 c. George Morris, individually and on behalf of a class of all persons
18 and entities similarly situated v. Plattform Advertising; Case No. 13-cv-00703,
19 United States District Court for the Eastern District of Texas (filed as class
20 action; Telephone Consumer Protection Act).

21 d. Larry Harrington v. RoundPoint Mortgage Servicing Corporation
22 and Multibank 2010-1 SFR Venture, LLC; 2:15-cv-322; United States District
23 Court for the Middle District of Florida (Telephone Consumer Protection Act
24 and Florida Consumer Collections Practices Act).

25 e. Larry Harrington and Lori Harrington v. Regions Bank; 2:15-cv-
26 00522; United States District Court for the Middle District of Florida
27 (Telephone Consumer Protection Act).

28 f. Craig Hargrove, individually and on behalf of a class v. FC

1 Background, Case No. 3:16-cv-796, United States District Court for the
2 Northern District of Texas (filed as class action; Fair Credit Reporting Act).

3 g. Ophat Hansana, individually and on behalf of a class v. PDQ
4 Temporaries, Inc., Case No. 3:15-cv-740, United States District Court for the
5 Northern District of Texas (filed as class action; Fair Credit Reporting Act).

6
7 10. My firm is or has been involved in numerous cases complaining of illegal
8 employment practices, many of which have been class or collective actions. Examples
9 of these cases are:

10 a. Tonisha Dailey and Jiahui Fan, on behalf of themselves and all
11 others similarly situated, v. Examination Management Services, Inc. and
12 DOES 1 to 10 inclusive; Case No. RG14713179; The Superior Court of the
13 State of California for the County of Alameda (class action; violation of
14 California state wage laws).

15 b. Almuiz Altiep and Tafsir Shawkat, individually and on behalf of
16 all others similarly situated v. Food Safety Net Services, LTD; 14-cv-00642;
17 United States District Court for the Northern District of Texas (filed as
18 collective action, FLSA).

19 c. Beth Degrassi, individually and on behalf of all others similarly
20 situated v. Nicka & Associates, Inc.; 15-cv-577; United States District Court
21 for the Eastern District of Texas (filed as collective action, FLSA).

22 d. Bobby Pearson et al., individually and on behalf of all those
23 similarly situated v. Trinity Armored Security Inc.; 13-cv-281; United States
24 District Court for the Northern District of Texas (filed as collective action,
25 FLSA).

26 e. Christian Gonzalez, individually and on behalf of all others
27 similarly situated v. Western Transportation, Inc.; 14-cv-00128; United States
28 District Court for the Northern District of Texas (filed as collective action,
FLSA).

1 f. Caleb Rucker, individually and on behalf of all others similarly
2 situated v. Patterson Drilling UTI.; 12-cv-897; United States District Court for
3 the Northern District of Texas (filed as collective action, FLSA).

4 11. My hourly rate is \$500 per hour and Rebecca Miltenberger's hourly rate
5 is \$350 per hour.

6 12. As detailed in the declaration of Co-Lead Counsel Patrick Lester (Doc.
7 636), these rates are appropriate and reasonable rates for the San Diego area, and are
8 based on Mr. Lester's knowledge of the San Diego and Southern California legal
9 community. I have also compared my firm's rates to the rates submitted by Class
10 Counsel in this litigation (J. Latturner, \$750; F. Green, \$600; and Doug Campion
11 \$600) and believe that our firm's rates are appropriate and reasonable when compared
12 to the rates and qualifications of Class Counsel.

13 13. My hourly rate and Rebecca Miltenberger's hourly rate are reasonable
14 based on work experience, years of practice, and specialized knowledge of the practice
15 area. I have reviewed the hourly rate sought by the consumer attorneys in the area and
16 my rates reflect (at the lower end) the rates of the charge by lawyers with similar skill,
17 experience and reputation.

18 14. In the present action, I have expended a total of 131.1 hours in this matter
19 through November 30, 2017, at my rate of \$500 per hour for a subtotal of \$65,550.
20 Rebecca Miltenberger performed an additional 14.1 hours, at the rate of \$350 per hour
21 for a subtotal of \$4,935.

22 15. My firm has billed a total of \$70,485 in fees in this case. The fees billed
23 in this case are reasonable under the circumstances, and are based on a reasonable
24 hourly rate. Exhibit A attached is a printout of the hours expended in this matter by
25 my Firm. Exhibit B is an itemization of taxable costs and expenses of \$5,122.36. Each
26 item was prepared contemporaneously with the performance of the services
27 described. These printouts were produced by me from the firm's computers system
28 for the purposes of this motion. I have read these billing records and redacted or

corrected any entries that I felt were entered incorrectly or that, in my opinion, took longer than was reasonable, or that while relevant to the case in general, were not necessarily relevant to this submission. In my opinion these entries in the attached exhibits accurately reflect the billable time reasonably expended in this case.

| Timekeeper | Hourly Rate | Hours | Total Billed |
|----------------------|-------------|-------|---------------------------|
| Chris Miltenberger | \$500 | 131.1 | \$65,550.00 |
| Rebecca Miltenberger | \$350 | 14.1 | \$4,935.00 |
| Billed Amount | | | \$70,485.00 |
| Costs and Expenses | | | <u>\$5,122.36</u> |
| Total Fees and Costs | | | <u><u>\$75,607.36</u></u> |

16. I have made every effort to ensure that the attorneys' fees and costs reflected in the attached records were reasonably incurred and necessary in pursuing this action.

17. I verify that to the best of my knowledge, the items of time, expenses and costs are correct and were necessarily incurred in this case.

18. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

19. Executed on December 17, 2017,

s/ Chris R. Miltenberger

Chris R. Miltenberger
Co-Lead Counsel for Plaintiffs with
Member Cases
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